

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1060

By: Fry and Pittman of the
Senate

and

Ford (Roger) of the House

10 COMMITTEE SUBSTITUTE

11 An Act relating to Oklahoma State Athletic Commission
12 Act; amending 3A O.S. 2011, Sections 601, 602, as
13 amended by Section 2, Chapter 359, O.S.L. 2012, 603,
14 604.2, as last amended by Section 2, Chapter 290,
O.S.L. 2013, Section 1, Chapter 290, O.S.L. 2013,
15 606, as amended by Section 6, Chapter 359, O.S.L.
2012, 610, as amended by Section 9, Chapter 359,
16 O.S.L. 2012, 614, as last amended by Section 4,
Chapter 290, O.S.L. 2013, 615, as amended by Section
17 14, Chapter 359, O.S.L. 2012, 616, as amended by
Section 26, Chapter 304, O.S.L. 2012, 617, as last
18 amended by Section 5, Chapter 290, O.S.L. 2013, 619,
as amended by Section 16, Chapter 359, O.S.L. 2012,
19 622, as amended by Section 1, Chapter 363, O.S.L.
2012, 623 and 624 (3A O.S. Supp. 2017, Sections 602,
20 604.2, 604.3, 606, 610, 614, 615, 616, 617, 619 and
622), which relate to short title, definitions,
21 powers of Commission, validity of prior licenses,
withholding purse, sanctioning permits, fees,
22 revolving fund, records, report, telecast promoters,
liability for damages, and test results; modifying
23 language; adding definitions; deleting language;
changing qualifications of members; making certain
24 medical information confidential; removing obsolete
provisions; prohibiting approval of certain amateur
sanctioning organization; prohibiting submission

1 holds for certain age persons; defining terms;
2 modifying references; and providing an effective
3 date.
4

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY 3A O.S. 2011, Section 601, is
7 amended to read as follows:

8 Section 601. ~~This act~~ Section 601 et seq. of this title shall
9 be known and may be cited as the "Oklahoma State Athletic Commission
10 Act".

11 SECTION 2. AMENDATORY 3A O.S. 2011, Section 602, as
12 amended by Section 2, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2017,
13 Section 602), is amended to read as follows:

14 Section 602. A. As used in the Oklahoma State Athletic
15 Commission Act:

16 1. "Administrator" means the administrator of the Oklahoma
17 State Athletic Commission;

18 2. "Amateur combative sports event" means a combative sports
19 event in which ~~the participants have never~~ no participant has ever
20 been licensed as professionals in any combative sport;

21 3. "Amateur combative sports practitioner" means a person who
22 has never received or competed for any purse or other article either
23 for the expenses of training therefor or for participating in any
24 combative sports contest or exhibition which exceeds in monies or

1 other things of value a sum to be determined by the Oklahoma State
2 Athletic Commission;

3 4. "Amateur mixed martial artist" means a person eighteen (18)
4 years of age or older who has never received or competed for any
5 purse or other article either for the expenses of training therefor
6 or for participating in any combative sport contest or professional
7 exhibition which exceeds in monies or other things of value a sum to
8 be determined by the Oklahoma State Athletic Commission;

9 5. "Amateur mixed martial arts" means any form of competitive
10 ~~pugilistic contest~~ pugilism or unarmed combat in which the
11 participants have never been licensed as professionals in any
12 combative sport and blows are delivered with any part of the hands,
13 feet, or knees and multiple combative disciplines are used including
14 grappling. ~~Such contests take place in a rope-enclosed ring or~~
15 ~~fenced enclosed cage and are fought in timed rounds;~~

16 6. "Applicant" means any individual, club, association,
17 corporation, partnership or trust which submits to the Oklahoma
18 State Athletic Commission an application for a license or permit
19 pursuant to the Oklahoma State Athletic Commission Act;

20 7. "Booking agent" means independent contractors who act as
21 bookers, agents, agencies and representatives who secure engagements
22 and contracts for combative sports participants;

23 8. "Boxing" means any form of competitive pugilism ~~or unarmed~~
24 ~~combat in which a blow is usually struck which may reasonably be~~

1 ~~expected to inflict injury, including, but not limited to, boxing,~~
2 ~~wrestling, mixed martial arts, and kickboxing, but shall not include~~
3 ~~the martial arts as defined by the provisions of this section;~~

4 9. "Broadcast" means any audio or visual transmission sent by
5 any means of signal within this state, whether live or taped or time
6 delayed, and includes any replays thereof. "Broadcast" shall not
7 include any audio or visual transmission sent by any means of signal
8 of any ~~professional boxing~~ combative sports event conducted outside
9 this state;

10 10. "Cable system operator" means any person who makes
11 available or provides customers a closed-circuit telecast which is
12 pay-per-view, including any person who does so as a direct broadcast
13 satellite provider or other multichannel video service provider;

14 11. "Closed-circuit telecast of professional combative sporting
15 events" means telecast rights, including television, cable
16 television, or pay-per-view telecasts, acquired by paying a
17 licensing fee or by paying a contractual price by a business or
18 individual, including, but not limited to, arenas, entertainment or
19 meeting centers, restaurants, bars, taverns, hotels, motels, clubs,
20 and organizations, which offers the viewing of the event to the
21 public or to private residences. Such events shall include local
22 and state professional combative sports contests and professional
23 exhibitions ~~as defined in this section.~~ "Closed-circuit telecast"
24 means any such telecast of a professional combative sporting event

1 as described herein which is not intended to be available for
2 viewing without the payment of a fee, collected for or based upon
3 each event viewed, for the privilege of viewing the telecast, and
4 includes pay-per-view;

5 12. "Club" means an incorporated or unincorporated association
6 or body of individuals voluntarily united and acting together for
7 some common or special purpose;

8 13. "Combative sports" means any form of competitive pugilism
9 or unarmed combat in which ~~a blow is usually~~ one or more blows are
10 struck which may reasonably be expected to inflict injury, including
11 but not limited to boxing, ~~wrestling~~, mixed martial arts, and
12 kickboxing, but shall not include the martial arts (singular) as
13 defined by the provisions of this section;

14 14. "Combative sports practitioner" means a person who competes
15 or spars in a combative sports event and includes boxers,
16 kickboxers, and mixed martial artists ~~and wrestlers~~;

17 15. "Commission" means the Oklahoma State Athletic Commission;

18 16. "Compete", "competitive" or "competition" means to engage
19 an opponent whether or not a winner is officially declared;

20 17. "Contest" means a ~~combative sports~~ an event in which it is
21 reasonable to anticipate that the participants strive earnestly in
22 good faith to win;

1 ~~17.~~ 18. "Corner person" means, but shall not be limited to, a
2 trainer, a second, or any other individual who attends the
3 participant during a match;

4 ~~18.~~ 19. "Event" means ~~a combative sports contest or exhibition~~
5 ~~including but not limited to a match, bout, contest, show or~~
6 ~~tournament~~ the presentation or holding of a contest, exhibition
7 match, bout, tournament, performance, show or other occurrence where
8 participants engage in combative sports;

9 ~~19.~~ 20. "Exhibition" means a combative sports event in which
10 the participants show or display their skill by sparring without
11 necessarily striving to win;

12 ~~20.~~ 21. "Judge" means an individual other than a referee who
13 shall have a vote in determining the winner of any contest;

14 ~~21.~~ 22. "Kickboxing" means any form of competitive pugilistic
15 ~~professional~~ contest or exhibition in which blows are delivered with
16 the hand and any part of the foot. ~~Such contests or exhibitions~~
17 ~~take place in a rope enclosed ring and are fought in timed rounds;~~

18 ~~22.~~ 23. "License" means a certificate issued by the Commission
19 to participants of sanctioned professional combative sports
20 contests, professional exhibitions, and amateur mixed martial arts
21 contests and is a mandatory requirement for participation in such
22 events;

23 ~~23.~~ 24. "Manager" means an individual who controls or
24 administers the affairs of any professional combative sports

1 participant, including acting as a booking agent. "Manager" shall
2 include the representative of a manager as defined by the
3 Commission;

4 ~~24.~~ 25. "Martial arts" means any form of karate, kung fu, tae
5 kwon-do, or any other form of martial or self-defense art;

6 ~~25.~~ 26. "Matchmaker" means an individual who brings together
7 professional combative sports participants or arranges professional
8 combative sports contests or professional exhibitions;

9 ~~26.~~ 27. "Mixed martial arts" means any form of competitive
10 pugilism or unarmed combat in which blows are delivered with any
11 part of the hands, feet or knees and multiple combative disciplines
12 are used, including grappling. Pankration is a form of multiple
13 combative disciplines and constitutes mixed martial arts;

14 28. "Participant" means an individual who takes part in a
15 combative sports event;

16 ~~27.~~ 29. "Pay-per-view telecasts of professional combative
17 sports events" means telecasts offered by cable television companies
18 to subscribers at a cost in addition to the monthly cable television
19 subscription rate. Such events shall include local and state
20 professional combative sports contests and professional exhibitions
21 ~~as defined in this section;~~

22 ~~28.~~ 30. "Person" means any individual, partnership, limited
23 liability company, club, association, corporation, trust or other
24 entity;

1 ~~29.~~ 31. "Physician" means an individual licensed under the laws
2 of this state to engage in the general practice of medicine or
3 osteopathic medicine;

4 ~~30.~~ 32. "Professional combative sports practitioner" means an
5 individual eighteen (18) years of age or older who ~~competes~~
6 participates in combative sports event for money, prizes, or purses,
7 or who teaches, instructs, or assists in the practice of combative
8 sports or sparring as a means of obtaining pecuniary gain;

9 ~~31.~~ 33. "Professional combative sports event" means a combative
10 sports event in which the participants are paid a purse;

11 ~~32. "Professional mixed martial arts" means any form of~~
12 ~~competitive pugilistic contest in which the participants are paid a~~
13 ~~purse and blows are delivered with any part of the hands, feet,~~
14 ~~elbows, or knees and multiple combative disciplines are used to~~
15 ~~include grappling. Such contests take place in a rope-enclosed ring~~
16 ~~or fenced enclosed cage and are fought in timed rounds;~~

17 ~~33.~~ 34. "Promote" or "promoting" means producing, staging,
18 sponsoring, organizing or otherwise holding a combative sports event
19 whether or not the event is open to the public;

20 ~~34.~~ 35. "Promoter" means any ~~individual, whether a resident or~~
21 ~~nonresident of Oklahoma, or club or corporation, whether~~
22 ~~domesticated or not domesticated in Oklahoma, person that produces~~
23 ~~or stages professional contests, amateur mixed martial arts~~
24 ~~contests, or professional exhibitions conducted within this state~~

1 ~~and shall include any officer, director, or employees as defined by~~
2 ~~the Commission~~ combative sports events;

3 ~~35.~~ 36. "Pugilism" means combative sports or the skill or
4 practice of fighting with the fists;

5 ~~36.~~ 37. "Purse" means the financial guarantee or any other
6 remuneration or thing of value for which a combative sports
7 practitioner participates in a professional combative sports event
8 and shall include the participant's share of any payment received
9 for radio broadcasting, television, including cable television, pay-
10 per-view television, and closed-circuit television, and motion
11 picture rights. "Purse" shall also include gate receipts and any
12 other prizes;

13 ~~37.~~ 38. "Ring official" means any individual who performs an
14 official function during the progress of a combative sports event or
15 amateur mixed martial arts event including but not limited to
16 timekeepers, judges, referees, and attending physicians;

17 ~~38.~~ 39. "Sanctioning permit" means a permit issued by the
18 Commission to promoters who make application for official approval
19 of professional combative sports events and amateur mixed martial
20 arts events;

21 ~~39.~~ 40. "Sparring" means to engage in a form of combative sport
22 with jabbing or feinting movements, and the exchange of few heavy
23 blows, such as occurs in a practice or exhibition boxing match;

1 ~~40.~~ 41. "Telecast promoter" means any promoter who shows or
2 causes to be shown in this state a closed-circuit telecast of any
3 professional combative sports event conducted in this state.

4 "Telecast promoter" shall not include a cable system operator;

5 ~~41.~~ 42. "Trainer" means an individual who assists, coaches, or
6 instructs any professional combative sports practitioner or amateur
7 mixed martial artist with respect to physical conditioning,
8 strategy, techniques, or preparation for competition, professional
9 combative sports contests, or professional exhibitions; ~~and~~

10 ~~42.~~ 43. "Unarmed combat" means any contest, exhibition or other
11 form of competition in which one or more blows are struck, body
12 throws or grappling holds are executed or other fighting techniques
13 are applied which may reasonably be expected to inflict injury; and

14 44. "Vendor" means any individual, firm, organization, club, or
15 corporation that participates in the conduct of a professional
16 combative sports event or amateur mixed martial arts event conducted
17 in this state by offering for sale food or merchandise, including,
18 but not limited to, wearing apparel, alcoholic and nonalcoholic
19 beverages, souvenirs, and programs.

20 B. The Commission may define any term which is not defined in
21 the Oklahoma State Athletic Commission Act.

22 SECTION 3. AMENDATORY 3A O.S. 2011, Section 603, is
23 amended to read as follows:

1 Section 603. ~~A.~~ The Oklahoma State Athletic Commission shall
2 have the power and duty to promulgate, prescribe, amend, and repeal
3 rules necessary to implement the provisions of the Oklahoma State
4 Athletic Commission Act, according to the Administrative Procedures
5 Act, including, but not limited to, defining qualifications,
6 categories, limitations, and fees for licenses, permits, and
7 examinations, and establishing bonding, contract, and insurance
8 requirements.

9 ~~B. In addition to rules promulgated by the Commission, rules~~
10 ~~promulgated by the Commissioner of Labor prior to July 1, 1999,~~
11 ~~shall be the rules of the Commission and shall continue in effect~~
12 ~~until such rules are amended or repealed by rules promulgated by the~~
13 ~~Commission.~~

14 SECTION 4. AMENDATORY 3A O.S. 2011, Section 604.2, as
15 last amended by Section 2, Chapter 290, O.S.L. 2013 (3A O.S. Supp.
16 2017, Section 604.2), is amended to read as follows:

17 Section 604.2 A. The mission of the Oklahoma State Athletic
18 Commission shall be to preserve and protect the health, safety and
19 welfare of combative sports event participants and the general
20 public through the effective regulation of combative sports in the
21 State of Oklahoma, while fostering an environment that expands
22 existing combative sports events and brings new events into the
23 state.

24 B. The Commission shall have the power to:

1 1. Promulgate rules and issue orders necessary to carry out the
2 purposes of the Oklahoma State Athletic Commission Act, and enforce
3 the provisions of said act and the rules promulgated pursuant
4 thereto;

5 2. Assume jurisdiction over all matters relating to the
6 licensing of professional combative sports practitioners, amateur
7 mixed martial artists, corner persons, booking agents, matchmakers,
8 promoters, referees, judges, timekeepers, vendors, physicians,
9 announcers, clubs, and corporations associated with a professional
10 combative sports event or amateur mixed martial arts event related
11 thereto;

12 3. Set license and permit fees pursuant to the requirements of
13 the Oklahoma State Athletic Commission Act;

14 4. Conduct investigations into the qualifications of applicants
15 for licensure and registration;

16 5. Conduct investigations and proceedings for alleged
17 violations of the Oklahoma State Athletic Commission Act and order
18 or subpoena the attendance of witnesses, the inspection of records
19 and premises, and the production of relevant books and papers
20 necessary to such investigations and proceedings;

21 6. Develop and administer examinations for applicants for
22 licenses and permits; and

23 7. Make such expenditures as may be necessary in the
24 performance of its duties.

1 C. ~~Any rule promulgated, order made, or action taken prior to~~
2 ~~July 1, 1999, by the Commissioner of Labor or the Department of~~
3 ~~Labor pursuant to the provisions of, or rules issued pursuant to,~~
4 ~~the Oklahoma State Athletic Commission Act shall be considered valid~~
5 ~~and in effect unless amended, repealed, or rescinded by the~~
6 ~~Commission.~~

7 D. ~~Any valid license, permit, certificate, or registration~~
8 ~~issued prior to July 1, 1999, by the Commissioner of Labor pursuant~~
9 ~~to the Oklahoma State Athletic Commission Act, or rules promulgated~~
10 ~~pursuant thereto, shall remain valid and in effect until it expires~~
11 ~~pursuant to law or unless suspended or revoked by the Commission.~~
12 ~~Any application for a license, permit, certificate, or registration~~
13 ~~which is pending on June 30, 1999, is hereby transferred to the~~
14 ~~Commission.~~

15 E. ~~All personnel, powers, duties, responsibilities, fund~~
16 ~~balances, encumbrances, obligations, and property, which shall~~
17 ~~include records, furniture, and equipment of the Department of Labor~~
18 ~~relating to the regulation of combative sports, are hereby~~
19 ~~transferred to the Oklahoma State Athletic Commission~~ All medical
20 records and health information submitted to or obtained by the
21 Commission relating to an applicant or license shall be
22 confidential. Such records and information shall only be disclosed
23 upon written consent of the applicant or licensee, by order of a
24 court of competent jurisdiction, or by the Commission when

1 discharging its duties under the Oklahoma State Athletic Commission
2 Act.

3 SECTION 5. AMENDATORY Section 1, Chapter 290, O.S.L.
4 2013 (3A O.S. Supp. 2017, Section 604.3), is amended to read as
5 follows:

6 Section 604.3 A. The Oklahoma State Athletic Commission, its
7 administrator or any other employee authorized by the Commission,
8 may order the promoter to withhold any part of a purse or other
9 money belonging or payable to any combative sports practitioner or
10 second if, in the judgment of the Commission, administrator or
11 employee:

12 1. The practitioner is not competing honestly or to the best of
13 the practitioner's skill and ability, or the practitioner otherwise
14 violates any rules or regulations adopted by the Commission or any
15 provisions of the Oklahoma Athletic Commission Act; and

16 2. The second violates any rules or regulations adopted by the
17 Commission or any provisions of the Oklahoma Athletic Commission
18 Act.

19 B. Money ordered withheld pursuant to this section shall be
20 deposited in the Oklahoma State Athletic Commission Revolving Fund
21 Security Account. The Commission shall hold a hearing at its next
22 regularly scheduled meeting to dispose of the matter. If it is
23 determined that the practitioner or second is entitled to his or her
24 share of the purse or other money, the funds shall be moved to the

1 Oklahoma State Athletic Commission Revolving Fund and disbursed to
2 the practitioner or second. If it is determined that the
3 practitioner or second is not entitled to his or her share of the
4 purse or other money, the funds shall be moved to the Oklahoma State
5 Athletic Commission Revolving Fund and disbursed to the promoter.

6 SECTION 6. AMENDATORY 3A O.S. 2011, Section 606, as
7 amended by Section 6, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2017,
8 Section 606), is amended to read as follows:

9 Section 606. A. The Oklahoma State Athletic Commission is
10 hereby vested with jurisdiction to issue sanctioning permits for all
11 professional combative sports contests and exhibitions and for all
12 amateur mixed martial arts contests and exhibitions held or given
13 within this state and to issue licenses for participants of
14 sanctioned contests and exhibitions.

15 B. 1. No person shall promote, nor shall any person
16 participate in, a professional combative sports event or an amateur
17 mixed martial arts event unless the event is sanctioned by the
18 Commission.

19 2. Except as provided in paragraphs 1 and 2 of subsection C of
20 this section, no person shall promote, nor shall any person
21 participate in, an amateur combative sports event unless the event
22 has been sanctioned by a nationally recognized amateur sanctioning
23 body that has been approved by the Commission.

1 3. No person shall promote, nor shall any person participate
2 in, unarmed combat as defined in the Oklahoma State Athletic
3 Commission Act, except as specifically provided in such act.

4 4. Any person violating the provisions of this subsection shall
5 be punishable pursuant to the provisions of Section 615 of this
6 title.

7 C. Specifically exempt from the provisions of the Oklahoma
8 State Athletic Commission Act are the amateur combative sports
9 contests or exhibitions conducted or sponsored by:

10 1. Any school, college, or university where the participants
11 are students regularly enrolled in such institutions and the
12 instructors, coaches, and trainers are employees of such
13 institutions. The term "school, college, or university" shall not
14 include a school or other institution whose principal purpose is to
15 furnish instruction in combative sports or sparring;

16 2. Any military installation or branch of the Armed Forces
17 where the participants are employed by the military installation or
18 are members of the branch of the Armed Forces sponsoring the contest
19 or exhibition; and

20 3. Amateur combative sports events which are sanctioned by a
21 Commission-approved and nationally recognized amateur sanctioning
22 body. The nationally recognized amateur sanctioning body must
23 present itself to the Commission and provide a copy of its rules and
24 bylaws for Commission review and approval. Upon approval, the

1 Commission, or its designated representatives, may visit, attend,
2 investigate and audit, as the Commission deems necessary, any match,
3 event, sanctioning body office or event office for the purpose of
4 determining whether the rules and bylaws of the amateur sanctioning
5 body as submitted to the Commission are being followed. The
6 Commission administrator shall immediately rescind approval of any
7 nationally recognized amateur sanctioning body, pending a hearing,
8 if said sanctioning body is found to be negligent or noncommittal in
9 the enforcement of the rules and bylaws presented to and approved by
10 the Commission. The Commission shall not approve an amateur
11 sanctioning organization that permits submission holds for
12 participants who are under the age of eighteen (18) years.

13 D. The following persons are specifically exempt from the
14 provisions of the Oklahoma State Athletic Commission Act:

15 1. Practitioners and instructors of the martial arts as defined
16 in Section 602 of this title; and

17 2. Instructors of amateur combative sports practitioners if
18 such instructors are not required to be licensed pursuant to other
19 provisions of the Oklahoma State Athletic Commission Act.

20 E. No person under the age of eighteen (18) years shall
21 participate in an event where submission holds are permitted. No
22 person shall promote an event where submission holds are permitted
23 for persons under the age of eighteen (18) years.

24

1 F. As used in this section, "submission hold" means all locks,
2 bars, and holds that cause enough pain to cause an opponent to
3 submit. Submission holds shall include, but not be limited to, the
4 following techniques defined as:

5 1. "Choke holds" means any hold that impairs the flow of blood
6 or oxygen to the brain. Choke holds include, but are not limited
7 to, the rear naked choke, the guillotine, and the triangle choke;

8 2. "Joint-lock" means all locks, bars, and holds that cause
9 enough pain to cause an opponent to submit. Joint locks include,
10 but are not limited to, arm bars, ankle locks, knee bars and neck
11 cranks; and

12 3. "Neck crank" means any hold that impairs the flow of blood
13 or oxygen to the brain.

14 SECTION 7. AMENDATORY 3A O.S. 2011, Section 610, as
15 amended by Section 9, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2017,
16 Section 610), is amended to read as follows:

17 Section 610. A. The Oklahoma State Athletic Commission may
18 issue, withhold, suspend, or revoke any and all licenses and
19 sanctioning permits required by the provisions of the Oklahoma State
20 Athletic Commission Act or the rules promulgated by the Commission.
21 The Commission may also censure or reprimand any licensee or
22 sanctioning permit holder.

23 B. The Commission shall fix a uniform scale of reasonable fees
24 for all licenses, sanctioning permits, and examinations.

1 SECTION 8. AMENDATORY 3A O.S. 2011, Section 614, as last
2 amended by Section 4, Chapter 290, O.S.L. 2013 (3A O.S. Supp. 2017,
3 Section 614), is amended to read as follows:

4 Section 614. A. If upon inspection or investigation, or
5 whenever the Oklahoma State Athletic Commission determines that a
6 ~~licensee~~ person has violated the Oklahoma State Athletic Commission
7 Act or ~~of~~ any order, standard, or rule promulgated pursuant to the
8 provisions of the Oklahoma State Athletic Commission Act ~~has~~
9 ~~occurred~~, the Commission shall give written notice to the alleged
10 violator specifying the cause of the determination. Such notice
11 shall require that the violations be corrected and specify the terms
12 of such correction or require that the alleged violator appear
13 before the Commission at a time and place specified in the notice
14 and answer the charges.

15 B. The Commission shall afford the alleged violator an
16 opportunity for a hearing conducted in conformity with, and records
17 made thereof as provided by the provisions of, the Administrative
18 Procedures Act. On the basis of the evidence produced at the
19 hearing, the Commission shall make findings of fact and conclusions
20 of law and enter an order thereon. The Commission shall provide
21 written notice of such order to the alleged violator and to such
22 other persons as shall have appeared at the hearing and made written
23 request for notice of the order.

1 C. Upon the request of the Commission, the Attorney General
2 shall bring an action against any person violating any of the
3 provisions of the Oklahoma State Athletic Commission Act or
4 violating any order or determination of the Commission.

5 SECTION 9. AMENDATORY 3A O.S. 2011, Section 615, as
6 amended by Section 14, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2017,
7 Section 615), is amended to read as follows:

8 Section 615. A. Any person who violates the provisions of the
9 Oklahoma State Athletic Commission Act, upon first conviction, shall
10 be guilty of a misdemeanor and shall be punished by the imposition
11 of a fine of not more than One Thousand Dollars (\$1,000.00) or by
12 incarceration in the county jail for not more than thirty (30) days
13 or by both such fine and incarceration. Any person convicted of a
14 second or subsequent violation shall be guilty of a felony
15 punishable by a fine of not more than Five Thousand Dollars
16 (\$5,000.00) or by incarceration in the county jail for a term of not
17 more than one (1) year or by incarceration in the custody of the
18 Department of Corrections for a period of not more than two (2)
19 years or by both such fine and incarceration. The Oklahoma State
20 Athletic Commission shall suspend or revoke the license of any
21 person convicted of violating the provisions of the Oklahoma State
22 Athletic Commission Act.

23 B. In addition to other penalties provided by law, if after a
24 hearing in accordance with the provisions of Section 601 et seq. of

1 this title, the Commission shall find any person ~~licensed by the~~
2 ~~Commission~~ to be in violation of any of the provisions of the
3 Oklahoma State Athletic Commission Act, such person may be subject
4 to an administrative fine of not more than Five Hundred Dollars
5 (\$500.00) for each violation or not more than one percent (1%) of
6 gross revenues received for each violation. Each day a person is in
7 violation of the provisions of Section 601 et seq. of this title ~~may~~
8 or rules of the Commission shall constitute a separate violation.

9 All administrative fines collected pursuant to the provisions of
10 this subsection shall be placed to the credit of the Oklahoma State
11 Athletic Commission Revolving Fund created pursuant to the
12 provisions of Section 601 et seq. of this title. Administrative
13 fines imposed pursuant to this subsection shall be enforceable in
14 the district courts of this state.

15 C. Upon the request of the Commission, the Attorney General or
16 the district attorney of the appropriate district court may make
17 application to the appropriate court for an order enjoining the acts
18 or practices prohibited by the provisions of Section 601 et seq. of
19 this title, and upon a showing that the person has engaged in any of
20 the prohibited acts or practices, an injunction, restraining order,
21 or other order as may be appropriate shall be granted by the court.

22 SECTION 10. AMENDATORY 3A O.S. 2011, Section 616, as
23 amended by Section 26, Chapter 304, O.S.L. 2012 (3A O.S. Supp. 2017,
24 Section 616), is amended to read as follows:

1 Section 616. ~~A.~~ There is hereby created in the State Treasury
2 a revolving fund for the Oklahoma State Athletic Commission to be
3 designated the "Oklahoma State Athletic Commission Revolving Fund".
4 The fund shall be a continuing fund, not subject to fiscal year
5 limitations, and shall consist of all monies received from fees,
6 administrative fines, reimbursements, bond proceeds, and sale of
7 materials, and shall include grants and gifts, pursuant to the
8 Oklahoma State Athletic Commission Act. All monies accruing to the
9 credit of ~~said~~ the fund are hereby appropriated and may be budgeted
10 and expended by the ~~State Department of Health as directed by the~~
11 Commission for the purpose of implementing the provisions of the
12 Oklahoma State Athletic Commission Act. Expenditures from ~~said~~ the
13 fund shall be made upon warrants issued by the State Treasurer
14 against claims filed as prescribed by law with the Director of the
15 Office of Management and Enterprise Services for approval and
16 payment.

17 ~~B. The "Professional Boxing Licensing Revolving Fund" created~~
18 ~~for the Department of Health is hereby abolished. On July 1, 2008,~~
19 ~~any unencumbered funds remaining in the Professional Boxing~~
20 ~~Licensing Revolving Fund shall be transferred to the credit of the~~
21 ~~Oklahoma State Athletic Commission Revolving Fund. Any unexpended~~
22 ~~funds remaining in the Professional Boxing Licensing Revolving Fund~~
23 ~~after November 1, 2008, shall be transferred to the credit of the~~
24 ~~Oklahoma State Athletic Commission Revolving Fund.~~

1 SECTION 11. AMENDATORY 3A O.S. 2011, Section 617, as
2 last amended by Section 5, Chapter 290, O.S.L. 2013 (3A O.S. Supp.
3 2017, Section 617), is amended to read as follows:

4 Section 617. A. Except as otherwise provided in the Oklahoma
5 State Athletic Commission Act, in addition to the payment of any
6 other fees and monies due pursuant to the Oklahoma State Athletic
7 Commission Act and the rules promulgated by the Oklahoma State
8 Athletic Commission, an assessment equal to five percent (5%) of the
9 total gross receipts of any professional combative sports event or
10 amateur mixed martial arts event conducted in this state, exclusive
11 of any federal tax or tax imposed by any political subdivision of
12 this state, shall be hereby levied and shall be remitted by every
13 promoter and vendor to the Oklahoma State Athletic Commission.

14 B. The assessment established in subsection A of this section
15 shall not exceed Thirty-five Thousand Dollars (\$35,000.00).

16 C. Promoters of professional ~~boxing, professional mixed martial~~
17 ~~arts~~ combative sports and amateur mixed martial arts events shall
18 pay the greater of the five-percent assessment levied pursuant to
19 subsection A of this section or Four Hundred Fifty Dollars (\$450.00)
20 to the Commission.

21 D. Promoters of ~~professional~~ wrestling events shall pay the
22 greater of the five-percent assessment levied pursuant to subsection
23 A of this section or Eighty Dollars (\$80.00) to the Commission.
24

1 E. For the purpose of this section, total gross receipts of
2 every promoter shall include:

3 1. The face value of all tickets sold; and

4 2. Proceeds from a vendor, or the promoter's gross price
5 charged for the sale of food, alcoholic and nonalcoholic beverages,
6 or merchandise, including, but not limited to, wearing apparel,
7 souvenirs and programs.

8 F. For professional combative sports events or amateur mixed
9 martial arts events at which admission tickets are not sold, the
10 promoter shall remit an assessment equal to five percent (5%) of the
11 revenues received by the promoter for the event.

12 G. For the purpose of this section, total gross receipts of
13 every vendor shall include the gross price charged for the sale of
14 food, alcoholic and nonalcoholic beverages, and merchandise
15 including, but not limited to, wearing apparel, souvenirs, and
16 programs, excluding that portion paid to any promoter.

17 H. Payment of the assessment on gross receipts, unless
18 otherwise specified, shall be due within five (5) business days
19 after the holding of the professional combative sports event or
20 amateur mixed martial arts event and shall be accompanied by a
21 report in such form as shall be prescribed by the Oklahoma State
22 Athletic Commission.

23 I. A promoter shall not issue complimentary tickets for more
24 than ten percent (10%) of the seats for any event. The promoter

1 shall be responsible to pay the five-percent assessment levied
2 pursuant to subsection A of this section on total receipts as
3 prescribed in this section for any complimentary tickets in excess
4 of ten percent (10%). All complimentary tickets must clearly
5 indicate on the ticket that it is a complimentary ticket and state
6 the value of the complimentary ticket. The face value of a
7 complimentary ticket shall be equal to like tickets sold in that
8 particular section of the venue. The complimentary tickets that are
9 exempt from the five-percent assessment levied pursuant to
10 subsection A of this section shall be those tickets with the lowest
11 face value.

12 J. Complimentary tickets shall not be given to a sponsor,
13 elected official, person or any entity that gives the promoter of
14 any event anything of value, including but not limited to money, in-
15 kind goods or services, or advertising.

16 K. The first payment of the assessment on gross income received
17 from the sale of motion picture rights shall be due at the end of
18 the month after the date of the sale of the motion picture rights,
19 and further payments shall be due every thirty (30) days thereafter,
20 during the presentation of the picture, and shall be accompanied by
21 a gross receipts report in such form as shall be prescribed by the
22 Oklahoma State Athletic Commission.

23 L. Except as otherwise provided in the Oklahoma State Athletic
24 Commission Act, in addition to the payment of any other fees and

monies due pursuant to the Oklahoma State Athletic Commission Act and the rules promulgated by the Oklahoma State Athletic Commission, an assessment in an amount of five percent (5%) of the total gross receipts of every telecast promoter shall be levied. Total gross receipts shall include the gross price charged for the sale, lease, or other use of broadcasting, including, but not limited to, radio, television, including cable television, pay-per-view television, and closed-circuit television, or motion picture rights of combative sports or amateur mixed martial arts contests, events, or exhibitions conducted within this state, without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges.

M. 1. In the case of facilities at or through which the closed-circuit telecast is shown other than a cable system operator's pay-per-view facilities, the telecast promoter shall, within eight (8) days after the telecast, inclusive of mailing time, file with the Commission a written report detailing the name, address, telephone number, contact person's name, and the details of the payment arrangement for the right to receive the telecast for each facility to which the broadcast was transmitted.

2. The report shall be accompanied by the assessment payment required under subsection L of this section, excluding any federal, state or local taxes.

1 3. The Commission may require the owner or operator of the
2 facility where the telecast is being shown to file a report
3 containing information regarding the amount paid to the telecast
4 promoter for the right to broadcast the telecast, the quality of the
5 audio and video signal, and any other information the Commission
6 deems appropriate.

7 N. 1. In the case of a cable system operator's pay-per-view
8 facilities at or through which a closed-circuit telecast was shown
9 within the state, the telecast promoter shall, within thirty (30)
10 days following receipt of the notice of the assessment from the
11 Commission, cause to be filed with the Commission the assessment
12 required pursuant to subsection L of this section, excluding any
13 federal, state, or local taxes.

14 2. The cable system operator shall withhold from the proceeds
15 due to the telecast promoter the assessment payment required
16 pursuant to subsection L of this section and remit the assessment to
17 the Commission on behalf of the telecast promoter. The cable system
18 operator shall not be liable for the remittance of the assessment
19 fee required pursuant to subsection L of this section from any
20 proceeds due to the cable system operator from its pay-per-view
21 events.

22 3. The Commission shall require the cable system operator to
23 file reports containing information regarding the number of orders
24

1 sold and the price charged for orders and any other information the
2 Commission deems appropriate.

3 4. Cable system operators shall not be liable to the Commission
4 for the assessment payment required under subsection L of this
5 section. Nothing in this section shall be deemed to prevent a cable
6 system operator from billing its customer for the assessment
7 payment.

8 5. The Commission shall, upon request, provide the telecast
9 promoter with a report detailing the number of orders and the
10 assessment payment due.

11 O. Any promoter who willfully makes a false and fraudulent
12 report under this section is guilty of perjury and, upon conviction,
13 is subject to punishment as provided by law. This penalty shall be
14 in addition to any other penalties imposed in this section.

15 P. Gross receipts reports signed under oath shall also include:

16 1. The name of the promoter;

17 2. The professional combative sports event or amateur mixed
18 martial arts event sanctioning permit number;

19 3. The promoter's business address and any license or permit
20 number required of such promoter by law;

21 4. Gross receipts as specified by this section, during the
22 period specified by this section; and
23
24

1 5. Such further information as the Oklahoma State Athletic
2 Commission may require to enable it to compute correctly and collect
3 the assessment levied pursuant to this section.

4 Q. In addition to the information required on reports, the
5 Oklahoma State Athletic Commission may request, and the promoter
6 shall furnish, any information deemed necessary for a correct
7 computation of the assessment levied pursuant to this section.

8 R. All levies pursuant to this section shall be collected by
9 the Commission and shall be placed to the credit of the Oklahoma
10 State Athletic Commission Revolving Fund.

11 S. The monies collected from the assessment levied pursuant to
12 the provisions of this section shall be in addition to all other
13 revenues and funds received by the Oklahoma State Athletic
14 Commission.

15 T. The promoter shall compute and pay to the Oklahoma State
16 Athletic Commission the required assessment due. If the payment of
17 the assessment is not postmarked or delivered to the Oklahoma State
18 Athletic Commission as specified in subsections H through L of this
19 section, whichever is appropriate, the assessment shall be
20 delinquent from such date.

21 U. It shall be the duty of every promoter required to make a
22 gross receipts report and pay any assessment pursuant to the
23 provisions of this section to keep and preserve suitable records and
24 documents which may be necessary to determine the amount of

1 assessment due as will substantiate and prove the accuracy of such
2 reports. All such records shall be preserved for a period of three
3 (3) years, unless the Oklahoma State Athletic Commission, in
4 writing, has authorized their destruction or disposal at an earlier
5 date, and shall be open to examination at any time by the Oklahoma
6 State Athletic Commission or by any of its authorized employees.

7 SECTION 12. AMENDATORY 3A O.S. 2011, Section 619, as
8 amended by Section 16, Chapter 359, O.S.L. 2012 (3A O.S. Supp. 2017,
9 Section 619), is amended to read as follows:

10 Section 619. ~~Beginning February 1, 2000, the~~ The Oklahoma State
11 Athletic Commission shall file an annual report of combative sports
12 activities in Oklahoma with the Governor, the President Pro Tempore
13 of the Senate, and the Speaker of the House of Representatives.
14 ~~Said~~ The report shall include but not be limited to the amount of
15 revenue collected, the number of permits and licenses issued and
16 revoked, the number of violations of the Oklahoma State Athletic
17 Commission Act, and the number of professional combative sports
18 events and amateur mixed martial arts events conducted.

19 SECTION 13. AMENDATORY 3A O.S. 2011, Section 622, as
20 amended by Section 1, Chapter 363, O.S.L. 2012 (3A O.S. Supp. 2017,
21 Section 622), is amended to read as follows:

22 Section 622. A. Where the Oklahoma distribution rights for a
23 closed-circuit telecast to be viewed in this state are in whole
24 owned by, sold to, acquired by or held by any person who intends to

1 or subsequently sells or, in some other manner, extends such rights
2 in part to another, then such person is deemed to be a telecast
3 promoter. The Oklahoma State Athletic Commission may provide, by
4 rule, for additional licensed telecast promoters to participate in
5 the distribution rights and share in the liability for assessments
6 to be paid to the Commission. Closed-circuit telecasts of a
7 combative sports or amateur mixed martial arts event conducted in
8 this state shall not be telecast within this state except under the
9 auspices of a telecast promoter licensed in this state. The
10 telecast promoter shall be responsible for filing the appropriate
11 reports with and paying assessments to the Commission.

12 B. In the case of closed-circuit telecasts other than pay-per-
13 view, the telecast promoter shall notify the Commission of the names
14 and addresses of all facilities to or through which the closed-
15 circuit telecast will be shown fourteen (14) days prior to the date
16 of the closed-circuit event and shall provide daily updates to the
17 Commission of any additions and deletions of facilities.

18 C. Any person or facility owner or operator intending to show
19 the closed-circuit telecast, whether or not an admission fee will be
20 charged, must receive authorization to show the telecast from the
21 telecast promoter prior to the telecast. The showing of a closed-
22 circuit telecast, whether or not an admission fee is charged,
23 without the authorization of the licensed telecast promoter is
24 prohibited. Delayed showing of a closed-circuit telecast also

1 requires the authorization of the telecast promoter. Information
2 received by the Commission of the names of persons showing a closed-
3 circuit telecast in violation of this section shall be furnished to
4 the appropriate district attorney's office for prosecution.

5 D. Any telecast promoter who willfully fails, neglects, or
6 refuses to make a report or cause to be paid the assessment as
7 prescribed, or who refuses to allow the Commission to examine the
8 books, papers, and records of any promotion is guilty of a
9 misdemeanor, punishable as provided by law. Any remitter who
10 willfully fails, neglects, or refuses to remit the assessment as
11 prescribed, is guilty of a misdemeanor, punishable as provided by
12 law.

13 E. By rule, the Commission shall establish administrative
14 penalties as specified in the Oklahoma State Athletic Commission Act
15 for the late payment of assessments, noncompliance with the Oklahoma
16 State Athletic Commission Act, and the late filing of reports and
17 shall prescribe conditions, if any, under which a fine may be
18 waived.

19 F. No cable system operator shall be:

20 1. Prohibited from broadcasting any boxing event, whether or
21 not the promoter or distributor is in compliance with the provisions
22 of the Oklahoma State Athletic Commission Act, for which it has a
23 contract or other legal obligation to broadcast; and
24

1 2. Required, as a result of any noncompliance with the
2 provisions of this act by any promoter or distributor, to modify,
3 delete, or cancel any programming which it has a contractual or
4 legal obligation to air.

5 G. The Oklahoma State Athletic Commission Act shall not apply
6 in any manner to any basic or premium channel programming broadcast
7 on cable television systems within this state, but shall apply only
8 to "pay-per-view" broadcasts of combative sports or amateur mixed
9 martial arts events conducted in this state for which a separate
10 one-time fee is charged the cable subscriber.

11 SECTION 14. AMENDATORY 3A O.S. 2011, Section 623, is
12 amended to read as follows:

13 Section 623. Any physician providing medical services at an
14 amateur or professional athletic event sanctioned pursuant to the
15 Oklahoma State Athletic Commission Act, who is a ring official at
16 the event and renders or attempts to render emergency care to an
17 injured participant who is in need of immediate medical aid, shall
18 not be liable for damages as a result of any acts or omissions
19 except for committing gross negligence or willful or wanton
20 negligence in rendering the emergency care.

21 SECTION 15. AMENDATORY 3A O.S. 2011, Section 624, is
22 amended to read as follows:

23 Section 624. A. Except as otherwise provided in this section,
24 prior to being issued a license pursuant to ~~this act~~ the Oklahoma

1 State Athletic Commission Act, every participant applicant shall
2 submit a certified copy of results from testing performed by a
3 laboratory certified pursuant to 42 C.F.R. Part 493 verifying that
4 the applicant is not infected with the human immunodeficiency virus
5 (HIV), the hepatitis B virus or the hepatitis C virus. The testing
6 shall be performed no more than three hundred sixty-five (365) days
7 before the application is submitted. A statement from a doctor of
8 osteopathy or medical doctor indicating that the applicant has
9 successfully completed a full course of vaccinations for hepatitis B
10 may be submitted in lieu of the results of testing for hepatitis B.
11 Except as otherwise provided in this section, an applicant who
12 receives positive results from any of the tests required by this
13 section shall be denied a license for the particular contest.

14 B. If a participant must be replaced within twenty-four (24)
15 hours of an event, a promoter may replace the participant that has
16 been pulled with a new participant that has complied with the
17 testing requirements found in subsection A of this section.

18 C. Notwithstanding the requirement for testing stated in
19 subsection A of this section, the participant and opponent, ring
20 official, and ringside physician may agree, in writing, to waive the
21 denial of licensure for failure to timely submit the required
22 certified test results, and by such signed written agreement, the
23 participant and opponent shall be granted a license to participate
24 in their particular contest.

SECTION 16. This act shall become effective November 1, 2018.

COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
04/11/2018 - DO PASS, As Amended and Coauthored.